

PATENT COOPERATION TREATY

From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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SYDNEY NSW 2001

**DCC (Sydney)
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28 MAY 2004

ARNO processed by *AS*

on *28 / 05 / 04*

Action *deadline to respond*

28 / 07 / 04

PCT

WRITTEN OPINION
(PCT Rule 66)

Date of mailing
(day/month/year)

28 MAY 2004

Applicant's or agent's file reference
12181751/ARS

REPLY DUE

within **TWO MONTHS**
from the above date of mailing

International Application No.

PCT/AU2003/001370

International Filing Date (day/month/year)

16 October 2003

Priority Date (day/month/year)

17 October 2002

International Patent Classification (IPC) or both national classification and IPC

Int. Cl. ⁷ C05F 9/02, 3/04, 17/02, C02F 11/02, A01K 67/033

Applicant

VERMITECH LIMITED et al

1. This written opinion is the **first** drawn by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The **FINAL DATE** by which the international preliminary examination report must be established according to Rule 69.2 is:
17 February 2005

The applicant is hereby invited to reply to this opinion.

When? See the **Reply Due** date indicated above. However, the Australian Patent Office will not establish the Report before the earlier of (i) a response being filed, or (ii) one month before the **Final Date** by which the international preliminary examination report must be established. The Report will take into account any response (including amendments) filed before the Report is established. If no response is filed by 1 month before the **Final Date**, the international preliminary examination report will be established on the basis of this opinion.
Applicants wishing to have the benefit of a further opinion (if needed) before the report is established should ensure that a response is filed at least 3 months before the **Final Date** by which the international preliminary examination report must be established.

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3.
For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis.
For an informal communication with the examiner, see Rule 66.6.

Name and mailing address of the IPEA/AU
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Authorized Officer

M. BREMERS

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I. Basis of the opinion**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
pages , as amended under Article 19,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

** Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	YES
	Claims 1-15	NO
Inventive step (IS)	Claims	YES
	Claims 1-15	NO
Industrial applicability (IA)	Claims 1-15	YES
	Claims	NO

2. Citations and explanations

D1: WO 99/51545 A (VERMITECH PTY LTD) 14 October 1999
Figure 31 and page 14 lines 1-11

D2: AU 199894187 A (MARKETING AND PURCHASING ADVISORY PTY LTD)
17 June 1999), Figures 9 and 10, page 14 line 21 to page 15 line 23

D3: US 5527373 A (CHAREYRE) 18 June 1996
Claims 5, 9, 11 and Figures 1 and 2

D4: EP 196887 A (NATIONAL RESEARCH DEVELOP CORPORATION) 8 October 1986
Figure 13 and page 13 lines 4-6

D5: EP 887328 A (TAYLOR et al) 30 December 1998
Abstract

These documents disclose vermiculture apparatuses wherein the castings are harvested from the underside of the bed and the castings fall onto a conveyor belt for removal. None of these documents disclose the particular type of belt as defined in claim 1. Therefore claim 1 is novel. However it is considered that the arrangement defined in claim 1 is no more than a workshop variation to that disclosed in the citations. Therefore claim 1 is not inventive. Furthermore, the features defined in the other claims are either disclosed in the citations or are features that cannot be considered to involve an inventive step.